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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 02-090-B)

PATENT

In re Application of:

Bakthavatchalam et al.

Serial No. 09/910,442 ✓

Filed: July 20, 2001 ✓

For: Capsaicin Receptor Ligands ✓

Before Examiner:
Kahsay Habte

Art Unit: 1624

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This prior art statement is filed under 37 C.F.R. §§1.97-1.98 in compliance with the duty of disclosure set forth in 37 C.F.R. §1.56.

In the judgment of the undersigned, the references listed on the attached Form PTO-1449 may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this statement or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. §102.

U.S. Documents

1. U.S. Patent No. 4,439,606 issued March 27, 1984.
2. U.S. Patent No. 4,450,272 issued May 22, 1984.
3. U.S. Patent No. 5,442,064 issued August 15, 1995.
4. U.S. Patent No. 5,789,412 issued August 4, 1998.
5. U.S. Patent No. 6,329,395 issued December 11, 2001.
6. U.S. Patent No. 6,028,195 issued February 33, 2000.

Foreign Documents

7. WO 96/21648, published July 18, 1996.
8. WO 00/52001, published September 8, 2000.
9. WO 02/05819, published January 24, 2002.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each

document becomes listed on the face of the patent issuing on the present application

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, Illinois 60606
(312) 913-0001

Dated: December 12, 2002

By:  ✓

Steven J. Sarussi
Reg. No. 32,784



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Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL LETTER

In regard to the above identified application we are transmitting herewith the attached:

1.
 - A. Second-Supplemental Information Disclosure Statement;
 - B. Form 1449 and nine (9) cited references;
 - C. Postcard.
2. With respect to additional fees:
 - A. X No additional fee is required
3. Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage via First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on this 12th day of December 2002.

By:

Steven J. Sarussi
Reg. No. 32,784